IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

WP No. 890 OF 2001

PETITIONER

Nagendra Singh Verma
Aged about 28 years
S/o Shri R.S. verma
Ganga nager ,
Mangla Road, BILASPUR
[GHATTIISGARH]

P. R. No. 809/01
Presented by Sh. Sharma, Adv.
dated 30.4.01

VERSUS

RESPONDENTS

1.M/s Sunita Finlease Ltd
Choubey Colony
Opposite Rajkumar Collage
G E Road RAIPUR
[CHHATTISGARH]

2.Enar Industrial
Enterprises Limited
Narbheram House,
Post Box No. 65
Main Road, Bistupur
JAMSHEDPUR 831001

3.Gaffar Ali,
S/o Not Known
R/o Yadunandan Nagar
BILASPUR

4.The Superintendent
of Police, RAIPUR

30.4.2001

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 820/2001 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

24.8.2001 :

Mr.Sharmila Singhai for the petitioner.
Dr.N.K.Shukla,learned Dy.AG for the respondent no.4.

On 23.5.2001,Humdust service was allowed. P.F. and copies were ordered within three days. The petition is yet to be admitted. The matter relates to certain transaction for hire purchase of the vehicle. Obviously grievance of the writ petitioner is as regards certain breaches committed by the parties. Clearly the petitioner can seek remedy under different provisions of law. Accordingly action has been initiated within the purview of section 138 of Negotiable Instrument Act . In fact,the matter has already been examined by the Consumer Forum also. Be that as it may, Dr.Shukla learned Deputy Advocate General submits that the transaction is purely of private nature. Respondent no.1. is M/s Sunita Finlease Ltd. Respondent no.2 is Enar Industrial Enterprises Ltd. ,respondent no.3 is one individual person Gaffar Ali . Respondent no.4 is Superintendent of Police, Raipur.

The petition has been filed under Article 226 of the Constitution of India . This means that petitioner is seeking a remedy by asking this Court to invoke its extra ordinary jurisdiction under Article 226 of the Constitution of India

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[पीछे देखिये

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	..2.. आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

On the face of it none of the respondents can be said to be "State" within the meaning of Article 12 of the Constitution of India. Though Ms.Sharmila Singhai ,learned counsel for the petitioner has steenuously urged before me that despite complaint lodged with the Police,respondent no.4 has failed to take any action,it appears to me that the fact that S.P. has failed to take action,will not give the writ petitioner right to come before this Court under Article 226 ofthe Constitution of India.

Upon careful perusal ofthe averments of this writ petition and after hearing learned counsel for the writ petitioner and as well as Dr.Shukla learned Dy.AG, I have no hesitation to say that no case has been made-out for entertaining this petition in exercise of jurisdiction under Article 226 of the Constitution of India.

Accordingly this petition is rejected.

It is open to the writ petitioner and in fact writ petitioner is at liberty to initiate any legal proceedings before the competent and appropriate authority.

Sd/-
Chief Justice

J